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PAPER

12/19/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,695	08/02/2002	Niels Rump	SCHO0113	3855
GLENN PATE 3475 EDISON	WAY, SUITE L	EXAMINER HENNING, MATTHEW T		
MENLO PARI	K, CA 94025	ART UNIT	PAPER NUMBER	
			2431	
			•	
			MAIL DATE	DELIVERY MODE

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/913,695	RUMP ET AL.	
Examiner	Art Unit	
MATTHEW T. HENNING	2431	

NOTICE OF APPEAL 2.		MATTHEW T. HENNING	2431	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affiliative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Examiner Note: if box 1 is excised, others exilter to replot the short short of the final rejection. Examiner Note: if box 1 is excised, others exilter to replot the short of the final rejection. Examiner Note: if box 1 is excised, others exilter to replot the short of the filed within the final rejection. Examiner Note: if box 1 is excised, others exilter to replot the filed within the filed rejection, whichever is later. In Examiner Note: if box 1 is excised, others exilter to replot the filed within the filed rejection. Examiner Note: if box 1 is excised, others exilter to replot of the filed within two months of the date or purposite extension fee has other expenses. If the filed within the time period set forth in 37 CFR 41.37(a). Notice of Appeal was filed on	The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidivit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on. (1) the mailing date of this Advisory Asion, or (2) the date set forth in the final rejection. Examiner Note: if box 1 is exceed, others clittler tox (i) or let but with a SNA ONTHS for mit he mailing date of the final rejection. Examiner Note: if box 1 is exceed, others clittler tox (i) or let but with a SNA ONTHS for mit he mailing date of the final rejection. Examiner Note: if box 1 is exceed, others clittler tox (i) or let but with a SNA ONTHS for mit he mailing date of the final rejection. Examiner Note: if box 1 is exceed, others clittler tox (ii) or let but with a SNA ONTHS for mit he mailing date of the final rejection. Examiner Note: if box 1 is exceeded, others clittler tox (ii) or let but with a SNA ONTHS for mit he mailing date of the final rejection. Examiner Note: if box 1 is exceeded, others clittler tox (iii) or let but with a SNA ONTHS for mit he mailing date of the final for letter tox and the proper discovers of the final of the final for letter tox and the proper discovers of the final organization and the corresponding amount of the fee. The appropriate extension fee hounder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (3) document for the file of t	THE REPLY FILED 10 December 2008 FAILS TO PLACE THIS	APPLICATION IN CONDITION F	OR ALLOWANCE.	
a) ☐ The period for reply expiresmonths from the mailing date of the final rejection. b) ☐ The period for reply expires out (1) the mailing date of the Ashieson Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Exemine Note: If No. 11 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f) Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for filing the checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely reduced any extended the filed of the filed within two months of the date of filing the Notice of Appeal was filed on, A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on, A brief in compliance with 37 CFR 41.37 must be filed within two months of the appeal. Since Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS In proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be e	 The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C 	the same day as filing a Notice of replies: (1) an amendment, affidavi al (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension shave been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension shave been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension shave been filled in 17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, and the control of the control of the period set for the mailing date of the final rejection, even if timely filled, and the control of	a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	in.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filled is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earmed patient term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 ension and the corresponding amount hortened statutory period for reply origi than three months after the mailing dat	of the fee. The appropria nally set in the final Offic te of the final rejection, e	ate extension fee e action; or (2) as ven if timely filed,
3.	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	s of the date of appeal. Since
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)). ↑ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). ↑ □ Applicant's reply has overcome the following rejection(s): ☐ (See attached Notice of Non-Compliant Amendment (PTOL-324). ↑ □ Applicant's reply has overcome the following rejection(s): ☐ (Newly proposed or amended claim(s) ☐ (Newly proposed or amended claim(s) ☐ (Newly proposed or amended claim(s) ☐ (Newly proposed or appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the proposed amendment(s): a) ☐ (Newly proposes of appeal, the prop				
appeal: and/or (d)	(a) ☐ They raise new issues that would require further cor (b) ☐ They raise the issue of new matter (see NOTE below	nsideration and/or search (see NO w);	ΓE below);	
(d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:		ler form for appear by materially re-	auding or simplifying ti	ie issues ioi
5. ☐ Applicant's reply has overcome the following rejection(s): ☐ 6. ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☑ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: **More.** Claim(s) objected to: ☐ Claim(s) or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(s). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. **REOUEST FOR RECONSIDERATION/OTHER** 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet, 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). ☐	(d) ☐ They present additional claims without canceling a c	corresponding number of finally reje	ected claims.	
6.	4. The amendments are not in compliance with 37 CFR 1.12	See attached Notice of Non-Co	mpliant Amendment (I	PTOL-324).
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected to: Claim(s) rejected: 1-17. Claim(s) explored: 1-17. Claim(s) explored: 1-17. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed for overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with yit is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). (Christopher A. Revak/	Applicant's reply has overcome the following rejection(s):			
how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>Mone.</u> Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) rejected: <u>1-17.</u> Claim(s) withdrawn from consideration:	non-allowable claim(s).		•	_
Claim(s) withdrawn from consideration:	how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>None</u> . Claim(s) objected to:		l be entered and an ex	xplanation of
AFEIDANT OR OTHER EVIDENCE AFEIDANT OR OTHER EVIDENCE				
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet, 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)				
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons wity it is necessary and was not certifier presented. See 3 C FRA 3(3)(4)(1). 10.	The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and			
REQUEST FOR RECONSIDERATION/OTHER 11. So The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet, 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. Other: //Christopher A. Revak/	entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appear and was not earlier presented. Se	al and/or appellant fail: se 37 CFR 41.33(d)(1	s to provide a).
See Continuation Sheet,	REQUEST FOR RECONSIDERATION/OTHER		•	
13.	See Continuation Sheet.		condition for allowan	ce because:
	12. Note the attached Information Disclosure Statement(s). (13. Other:	PTO/SB/08) Paper No(s).		
Primary Examiner, Art Unit 2431			Init 2431	

Continuation of 11. does NOT place the application in condition for allowance because: While the examiner appreciates the applicant's interpretation of Rump, the examiner disagrees that in the combination of Saids and Rump the sample data between the interpretation of Rump, the sample data should be encrypted. Second, Rump teaches in col. 6 Lines 27-52, that for economic reasons, portions of the data are left unciphered. Col. 7 Lines 50-68 further show that the multimedia data can be unencrypted. Col. 10 Lines 17-64 further illustrate that the deciphering device should be able to read unciphered content. As such, for economic reasons, one of ordinary skill in the art have been motivated to leave the sample data unciphered, rather than encrypting and decrypting the sample data which would be freely available. As such, the examiner does not find the argument persuasive.